

REMARKS

Applicants appreciate the Examiner's thorough review of the present application, and respectfully request reconsideration in light of the preceding amendments and the following remarks.

Claims 1, 3-5, 8-11, 15 and 21-31 are pending in the application. Claims 2, 6-7, 12-14 and 16-20 have been cancelled without prejudice or disclaimer. Independent claim 1 has been amended to include certain limitations of claims 2-3, 6-7, 14 and 17. Claims 3, 5 and 15 have been amended to improve claim language. New claims 21-31 have been added to provide Applicants with the scope of protection to which they are believed entitled. New independent claim 21 includes limitations similar to amended claim 1. New claims 22-31 correspond to claims 3-5, 8-13 and 15, respectively. No new matter has been introduced through the foregoing amendments.

The new rejections relying on *Fries* and *Kuen* are noted. Applicants respectfully traverse the rejections because the references, especially *Kuen*, do not fairly teach or suggest the claimed engaging and non-engaging portions. Applicants note that the Examiner, in her discussion of *Kuen*,¹ has failed to cite any particular teaching of *Kuen* in support of her obviousness rationale.² Applicants have also carefully reviewed the entire *Kuen* reference and failed to locate any teaching relevant to the claim features. Accordingly, Applicants respectfully submit that the rejections are not well found as being evidentially unsupported and that the references as applied by the Examiner do not teach or suggest all claim limitations.

¹ See, for example, Office Action at page 3, the first full paragraph.

² MPEP, section 706.02(j) Contents of a 35 U.S.C. 103 Rejection... After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,... (emphasis added).

Notwithstanding the above and solely for the purpose of expediting prosecution, Applicants have further narrowed the independent claims to reflect the language of the allowed claims of the corresponding EP patent (EP 1 413 277 B1). In particular, the applied references do not fairly teach or suggest at least the claimed "non-engaging portion with which said hook member can barely be engaged or cannot be engaged at all" and "said non-engaging portion comprises a temporary fixing portion of said fixing tape" as now recited in claim 1. For example, the disclosure of *Kuen* in its drawings (e.g., FIGs. 6-11) is directed to the engagement between the fixing tapes 82a and the other waist region 84a which does not include the side flaps 66 where the fixing tapes 82a are provided. In contrast, the fixing tapes of the claimed invention is temporarily fixed to the same side flap on which the fixing tape is provided. This and other distinctions patentably define the claimed invention over the applied references. Withdrawal of the rejections in view of the above is respectfully requested.

New independent claim 21 includes limitations similar to amended claim 1, e.g., "an engaging region is provided on each said side flap where the hook member of the respective fixing tape is engageable for temporarily fixing said fixing tape to said side flap before use." Therefore, claim 21 is also believed patentable over the applied references for at least the same reason presented above with respect to claim 1.

The dependent claims are considered patentable at least for the reasons advanced with respect to the respective independent claims.

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicants respectfully submit that all claims are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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